

REMARKS

This Amendment is being filed in response to the Final Office Action mailed July 28, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-7, 9 and 11-22 remain in this application, where claims 1, 9 and 17 are independent.

In the Final Office Action, claims 2-7, 9 and 11-22 are rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. However, to advance prosecution, claims 2-3, 9, 11-13, 15 and 17-20 has been amended for better clarity. It is respectfully submitted that this rejection of claims 2-7, 9 and 11-22 has been overcome. Accordingly, withdrawal of this rejection is respectfully requested.

In the Final Office Action, claims 1-7, 9 and 11-22 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9 and 11-16

of U.S. Patent No 7,558,727. Without agreeing with the Examiner, and in the interest of advancing prosecution and expediting allowance of the present application, a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) or (d) is enclosed herewith. Accordingly, Applicants respectfully request that this ground for rejection be withdrawn and that claims 1-7, 9 and 11-22 be allowed.


Accordingly, it is respectfully submitted that claims 1-7, 9 and 11-22 are allowable, and allowance thereof is respectfully requested.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Amendment in Reply to Final Office Action of July 28, 2009

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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Enclosure: Terminal Disclaimer

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